

REMARKS

Claims 1 - 21 are in this application and are presented for consideration.

The independent claims 1, 10 and 19 have been rejected as being obvious over Kolarovic in view of Richey.

The detailed rejection states that Kolarovic discloses an oxygen source in column 4 lines 45 - 50. Applicant has reviewed this portion of Kolarovic and only finds this portion to describe an oxygen cell. It is Applicant's understanding that an oxygen cell, especially in the respiratory/medical arts is not an oxygen source, but instead is a gas detection device. In particular an oxygen cell is known in the respiratory/medical arts as an electrochemical apparatus used for oxygen measurement, and an oxygen cell is a particular type of sensor for detecting oxygen. Oxygen cells which are electrochemical gas sensors are manufactured and distributed by such companies as General Electric and RC Medical Inc. of Tolland, Connecticut. Kolarovic does not describe the oxygen cell as being an oxygen source, and provides no indication that the oxygen cell is not to be a gas detector. Kolarovic indicates that the incubator 12 may include other modules, and these other modules all appear to be measuring devices. Therefore a person of ordinary skill in the respiratory/medical arts would be led by common knowledge to believe that the oxygen cell of Kolarovic is a gas detector, and is not an oxygen source. Therefore, the oxygen cell of Kolarovic does not anticipate the oxygen source of the independent claims. Since Kolarovic does not describe an oxygen source, it would not be obvious to replace the oxygen source of Kolarovic with an oxygen concentrator from Richey. The independent claims therefore cannot be obvious over Kolarovic in view of

Richey.

Applicant has reviewed Kolarovic, and notes that Kolarovic is very concerned with providing proper oxygen levels. However Kolarovic leads a person of ordinary skill to provide proper oxygen levels in an incubator by passing ambient room air into the incubator by a blower, fan or impeller 36. This is described in column 9 lines 45 - 50. In Kolarovic, if the oxygen level is too low inside the incubator, the blower motor 38 is operated to draw outside ambient air into the incubator in order to increase the oxygen content inside the incubator. A person of ordinary skill would therefore not be led by Kolarovic to use an oxygen concentrator.

The detailed rejection indicates that the suggestion/motivation for combining Kolarovic and Richey is present because Kolarovic discloses that several options exist for the oxygen source to include oxygen cells. As described above, the oxygen cell described by Kolarovic is not indicated to be an oxygen source, but instead is generally understood in the art to be a particular type of gas detection device. Therefore a person of ordinary skill in the art would not feel that there are several options in Kolarovic for the production of oxygen. The suggestion/motivation for combining the references is therefore untenable.

Applicant's review of Kolarovic finds that Kolarovic discloses an oxygen solenoid driver. However, Kolarovic is silent with regard to how this oxygen solenoid driver is operated, or how its operation affects the infant incubator. Therefore, the oxygen solenoid driver is not described by Kolarovic to have the same relationship with the incubator as the oxygen concentrator of claims 1 and 10. Therefore, even this additional structure of Kolarovic fails to cause the combination of the prior art to anticipate all of the features and relationships

of claims 1 and 10.

The detailed rejection states that one of ordinary skill in the art appreciates that sieve beds are interchangeably equivalent for the production of oxygen, and cites Harral column 6 line 62 through column 7 line 12. Applicant has reviewed this portion of Harral, and notes that this portion of Harral describes how to monitor the oxygen content in gas by using a particular type of sensor. The sensor or monitor 35 is connected to a signal line which delivers electrical signals and these signals are used to cycle molecular sieve beds. This portion does not appear to indicate that sieve beds are an interchangeable equivalent for the production of oxygen, but instead indicates how to control sieve beds.

Even if Harral did describe that sieve beds are an interchangeable equivalent for the production of oxygen, Applicant notes that Kolarovic does not disclose the production of oxygen, but only the drawing in of ambient outside air into an incubator. Since Kolarovic does not describe the production of oxygen, the reference of Harral does not provide any additional suggestion or motivation to modify Kolarovic to cause the present invention to be obvious.

Claim 1 has been amended to include the features of claim 8. As described previously, Kolarovic does not teach nor suggest any oxygen source which would be similar to the oxygen concentrator of the present invention. Therefore Kolarovic also would not teach nor suggest an oxygen controller as set forth in the now amended claim 1. In Kolarovic, ambient air is used to refresh the air inside the incubator. However applicant finds no teaching nor suggestion in this reference that an oxygen sensor is connected to an oxygen metering device via an oxygen controller. Instead applicant finds this reference to teach that a certain minimum

circulation is maintained within the enclosure to guarantee a proper oxygen content. This is described in Col. 9 lines 45-50, Col. 11 lines 22-25 and Col. 12 lines 26-28. This reference therefore leads a person of ordinary skill away from an oxygen sensor and an oxygen controller connected to an oxygen metering device. Instead this reference indicates that as long as a minimum airflow is provided, a sufficient amount of oxygen will be present in the incubator. The combination of the references therefore fails to anticipate the oxygen controller, and claim 1 further defines over the prior art.

Claims 3 and 12 have also been rejected over Kolarovic in view of Richey. The detailed rejection states that the device suggested by the combination of references brings about a local oxygen enrichment because of a potential difference applied to the solid electrolyte cells. Applicant has reviewed Richey, especially with regard to the multiple sieve beds, and finds no teaching nor suggestion in Richey of the multiple sieve beds bringing about a local oxygen enrichment because of a potential difference applied to solid electrolyte cells. Therefore claims 3 and 12 set forth features which are not found in the combination of the prior art. These claims therefore further define over the prior art.

Independent claim 19 sets forth the step of treating a gas source to provide an oxygen concentrated gas. Applicant has reviewed Kolarovic, and finds no teaching nor suggestion in Kolarovic of treating a gas source to provide an oxygen concentrated gas. Instead Kolarovic leads a person of ordinary skill to feed outside ambient air into the incubator when additional oxygen is needed. Applicant finds no teaching nor suggestion in Kolarovic of increasing the oxygen content in this air. Therefore, Kolarovic fails to describe the step of treating a gas

source to provide an oxygen concentrated gas.

The rejection appears to use Richey to describe the step of treating a gas source to provide an oxygen concentrated gas. Even if Richey does teach this step, claim 19 further sets forth the step of metering the concentrated oxygen gas into the incubator based on measured oxygen concentration in the incubator. Applicant finds no suggestion or motivation in the prior art which would lead a person of ordinary skill in the art to modify Kolarovic to meter concentrate oxygen gas from Richey into the incubator of Kolarovic based on measured oxygen concentration in the incubator. Since Kolarovic does not lead a person to believe that concentrated oxygen gas is desirable in the incubator, Kolarovic cannot suggest that any concentrated gas of Richey be used in Kolarovic. Applicant further finds no suggestion or motivation in Richey which would the person of ordinary skill in the art to believe that the concentrated oxygen gas of Richey is desirable in an incubator of Kolarovic. Therefore, the combination of the references fails to provide any suggestion or motivation to combine the two references to cause claim 19 to be obvious. Claim 19 therefore also defines over the prior art.

Claim 20 sets forth that the step of metering the concentrated oxygen gas is performed by metering the gas into the fresh gas flow. Since the prior art has no suggestion or motivation to provide concentrated oxygen gas into an incubator, the prior art must fail to disclose the metering of such gas into a fresh gas flow. Claim 20 therefore further defines over the prior art.

If the Examiner has any comments or suggestions which would further favorable prosecution of this application, the Examiner is invited to contact Applicant's representative

by telephone to discuss possible changes.

At this time Applicant respectfully requests reconsideration of this application, and based on the above amendments and remarks, respectfully solicits allowance of this application.

Respectfully submitted
for Applicant,

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